

LONDON BOROUGH OF CROYDON

To: Croydon Council website
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STATEMENT OF EXECUTIVE DECISIONS MADE BY THE CABINET MEMBER FOR HOMES, REGENERATION AND PLANNING ON 10 MARCH 2016

This statement is produced in accordance with Regulation 13 of the Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012.

The following apply to the decisions listed below:

Reasons for these decisions: are contained in the **attached** Part A report

Other options considered and rejected: are contained in the **attached** Part A report

Details of conflicts of Interest declared by the Cabinet Member: none

Note of dispensation granted by the head of paid service in relation to a declared conflict of interest by that Member: none

The Leader of the Council has delegated to the Cabinet Member the power to make the executive decisions set out below:

CABINET MEMBER'S DECISION REFERENCE NO. 22.16.HRP

Decision title: Withdrawal of Supplementary Planning Guidance Documents to the Croydon Local Plan

Having carefully read and considered the Part A report and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the reports, the Cabinet Member for Homes, Regeneration and Planning

RESOLVED:

- 1.1 To approve the withdrawal of the following supplementary planning guidance documents with immediate effect:
 - SPG 4 Lighting (interim) (1998)
 - SPG 5 Nature Conservation (1997)
 - SPG 7 Residential conversions (1998)
 - SPG 9 Places of Worship (1999)
 - SPG 10 Designing for Accessibility (2000)
 - SPG 11 Vision2020 (2000)
 - SPG 13 Purley Town Centre (2004)
 - SPG 15 Renewable Energy (2004)

- SPG 18 Sustainable Water Usage (2004)
- SPG 20 Coulsdon Area Regeneration Strategy

1.2 Agree that the Director of Planning and Strategic Transport, in consultation with the Cabinet Member for Homes, Regeneration & Planning (Deputy Leader – Croydon Council) be given delegated authority to agree the withdrawal of the following three Supplementary Planning Guidance documents upon adoption of the Croydon Local Plan: Detailed Policies and Proposals Development Plan Document:

- SPG 8 Advertisement Hoardings (2003)
- SPG 19 Public Art (2005)
- SPG 17 Sustainable Surface Water Drainage (2004)

Date: 17 March 2016

REPORT TO:	DELEGATED AUTHORITY REPORT TO COUNCILLOR ALISON BUTLER - Cabinet Member for Homes, Regeneration & Planning Deputy Leader – Croydon Council 8 March 2016
AGENDA ITEM:	Councillor Alison Butler - Cabinet Member for Homes, Regeneration & Planning - Deputy Leader – Croydon Council
SUBJECT:	Withdrawal of Supplementary Planning Guidance Documents to the Croydon Local Plan
LEAD OFFICER:	Heather Cheesbrough, Director of Planning and Strategic Transport
CABINET MEMBER:	Councillor Alison Butler - Cabinet Member for Homes, Regeneration & Planning - Deputy Leader – Croydon Council
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT:	
<i>It is a Corporate priority as well as a statutory duty to maintain an up to date Local Plan, including the supporting guidance to the Local Plan. The Council's Croydon Local Plan: Strategic Policies Development Plan Document was adopted in 2013. The proposed withdrawal of the Supplementary Planning Guidance (SPGs) documents listed in this report will assist the Council in ensuring it is in compliance with this statutory duty and that the Croydon Local Plan is supported by up to date guidance, which provides clarity for the development management process, assisting and enabling growth in Croydon</i>	
AMBITIOUS FOR CROYDON & WHY ARE WE DOING THIS:	
<i>Providing clarity to the Development Management process with the removal of obsolete planning guidance will assist in the efficiency of the planning application process and help to deliver a vibrant borough of mixed sustainable communities with well-designed areas where people want to live, work and visit.</i>	
FINANCIAL IMPACT	
<i>The recommendations of this report can be funded from the existing Spatial Planning Service budget for 2015/16.</i>	
KEY DECISION REFERENCE NO.: Not a key decision	

The Leader of the Council has delegated to the Cabinet Member for Homes, Regeneration & Planning (Deputy Leader – Croydon Council) the power to make the decisions set out in the recommendations below

1. RECOMMENDATIONS

The Cabinet Member for Homes, Regeneration & Planning (Deputy Leader – Croydon Council) is recommended to:

1.1 Approve the withdrawal of the following supplementary planning guidance documents with immediate effect:

- SPG 4 Lighting (interim) (1998)
- SPG 5 Nature Conservation (1997)
- SPG 7 Residential conversions (1998)
- SPG 9 Places of Worship (1999)
- SPG 10 Designing for Accessibility (2000)
- SPG 11 Vision2020 (2000)
- SPG 13 Purley Town Centre (2004)
- SPG 15 Renewable Energy (2004)
- SPG 18 Sustainable Water Usage (2004)
- SPG 20 Coulsdon Area Regeneration Strategy

1.2 Agree that the Director of Planning and Strategic Transport, in consultation with the Cabinet Member for Homes, Regeneration & Planning (Deputy Leader – Croydon Council) be given delegated authority to agree the withdrawal of the following three Supplementary Planning Guidance documents upon adoption of the Croydon Local Plan: Detailed Policies and Proposals Development Plan Document:

- SPG 8 Advertisement Hoardings (2003)
- SPG 19 Public Art (2005)
- SPG 17 Sustainable Surface Water Drainage (2004)

2. EXECUTIVE SUMMARY

2.1 Supplementary Planning Guidance (SPG) documents provide supplementary guidance for the Croydon Local Plan: Strategic Policies (2013) and the saved Unitary Development Plan policies and are material considerations when determining planning applications. Supplementary Planning Documents (SPD) were introduced by the Planning and Compulsory Purchase Act 2004 (as amended) and, in accordance with paragraph 153 of the National Planning Policy Framework should be used 'where they can help applicants make successful applications or aid infrastructure and should not be used to add unnecessarily to the financial burdens on development'. The SPGs proposed to be withdrawn with immediate effect are those that no longer assist as planning guidance as they are out of date. Their removal will avoid potential confusion for both applicants and council officers and add clarity to the planning application process. SPGs which are intended to be superseded by Croydon

Local Plan: Detailed Policies and Proposals are proposed to be withdrawn at or around the time of the adoption of that Plan (anticipated late 2017).

3. DETAIL

3.1 The SPGs proposed to be removed are not referred to in the adopted Croydon Local Plan: Strategic Policies (2013) or in the saved Unitary Development Plan (UDP) policies although some of the SPGs are referred to in supporting text of the saved policies. The removal of these SPGs will therefore have no significant impact on the Local Plan or the saved Unitary Development Plan policies which are proposed to be replaced by the Croydon Local Plan: Detailed Policies and Proposals upon its adoption.

3.2 Croydon's SPGs proposed to be withdrawn with immediate effect are listed below. Those SPGs with an asterisk were withdrawn from Croydon's website in 2015, as they did not comply with current legislation, or were identified as no longer in use or required by Development Management in the planning application determination process.

Table 1

SPG	title	Date of publication	Referred to in supporting text to a saved policy of the UDP?	Reason for proposed withdrawal
4	Lighting (interim) *	1998	No	This SPG does not comply with EU regulations on lighting or refer to LEDs or intelligent lighting or other recent technological developments
5	Nature Conservation	1997	No (In supporting text for Nature Conservation policy SP8 which is not saved)	Out of date references to environmental legislation / information - and Croydon has had an Ecological Assessment carried out in 2013 with information that supersedes information in the SPG. Croydon's Local Plan includes policies on Biodiversity in both the Strategic Policies with policy SP7.4 Green Grid and a proposed detailed policy DM25 in the Croydon Local Plan: Detailed Policies and Proposals.
7	Residential conversions *	1998	No	This SPG conflicts with the London Plan and Local Plan.
9	Places of Worship	1999	CS1 Development of New	The SPG is out of date and the adopted Croydon Local Plan: Strategic Policies

			Community Facilities	(2013), policy SP5.6 on Community facilities includes places of worship. The proposed policy DM18 in the Croydon Local Plan: Detailed Policies and Proposals include criteria for location of community facilities including places of worship.
10	Designing for Accessibility *	2000	Policy UD7 Inclusive Design and T8 Car Parking Standards in New Development	The SPG is superseded by the London Plan and the Mayor's Housing SPG.
11	Vision 2020 *	2000	No	The SPG is superseded by Croydon Council's masterplans, the Croydon Opportunity Area Framework SPD and the Council's Public Realm Design Guide.
13	Purley Town Centre	2004	No	The SPG is out of date, and has been superseded by the High Street improvements and development that has taken place since its publication.
15	Renewable Energy*	2004	UD8 Protecting residential amenity	The SPG is out of date with technological advances made since its publication and the National Technical Standards published in October 2015.
18	Sustainable Water Usage	2004	No	This SPG is out of date and is superseded by European Union regulations, and Part L of the Building Regulations
20	Coulsdon Town Centre Area Regeneration Strategy*	2004	No	This SPG is out of date, with a bypass of Farthing Way now built and the town centre's public realm redesigned and implemented.

3.4 The Planning and Compulsory Purchase Act 2004 (as amended) and associated The Town and Country Planning (Local Planning) (England) Regulations 2012 are silent on Supplementary Planning Guidance and only refer to Supplementary Planning Documents. As a consequence of legislation being silent on the process for Supplementary Planning Guidance withdrawal the proposed approach is considered appropriate and proportionate. Notwithstanding this, in the context of Supplementary Planning Documents, Regulation 15(2) makes provision for a Local Planning Authority to revoke a Supplementary Planning Document.

3.5 Croydon's Supplementary Planning Guidance (SPG) Documents proposed to be withdrawn upon adoption of the Croydon Local Plan listed below are currently available on Croydon's website at <https://www.croydon.gov.uk/planningandregeneration/framework/localplan/supplementary> . These subject matter of these SPGs will be included in the proposed Croydon Local Plan: Detailed Policies and Proposals.

Table2

SPG	Title	Date of Publication	Referred to in supporting text to a saved policy of the UDP?	Reason for proposed withdrawal
8	Advertisement Hoardings & Other Advertisements	2003	UD5- Advertisements	The Council's Public Realm Design Guidance provides information that considers advertisements and the proposed policy DM12 on Advertisement Hoardings is included in the Croydon Local Plan: Detailed Policies and Proposals and has been out to consultation as the preferred option to updating the SPG.
17	Sustainable surface water drainage	2004	No	This SPG is out of date and the proposed policy DM23 on Sustainable Drainage Systems and Reducing Flood Risk is included in the Croydon Local Plan: Detailed Policies and Proposals. It has been out to consultation as the preferred option. A new Council guidance on Sustainable Drainage systems will be prepared for publication after the adoption of the Croydon Local Plan.
19	Public Art	2005	UD 16 Public Art	The SPG is out of date and Croydon's Public Design Guide provides advice on public art and the proposed policy DM14 on

				Public Art is included in the Croydon Local Plan: Detailed Policies and Proposals DPD. It has been out to consultation as the preferred option. Reference is made to SPG19 in the supporting text, but this reference will be removed in the Proposed Submission version of the Croydon Local Plan.
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4. CONSULTATION

- 4.1 Consultation is not required on the withdrawal of the SPGs listed in the recommendation of this report as the guidance they provide is either covered in other statutory guidance and legislation, or by the Croydon Local Plan: Strategic Policies (2013), London Plan or is proposed to be provided on adoption of the Croydon Local Plan: Detailed Policies and Proposals. The Croydon Local Plan: Detailed Policies and Proposals will have been consulted on during its preparation and will be the subject of an Examination in public by a Planning Inspector on behalf of the Secretary of State.
- 4.2 Notification of the withdrawal of the SPGs will be undertaken in accordance with Regulation 35 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 The recommendations of this report can be funded from the existing Spatial Planning Service budget for 2015/16.

2 The effect of the decision

The costs of preparing a notice of the withdrawal of the SPGs on the Council's website are accommodated within the existing Spatial Planning Service budget for 2015/16.

3 Risks

There is the risk that someone will seek to challenge the decision to withdraw policies, but this is considered as a low risk which can be mitigated by ensuring the statutory process is followed and documented. The risk that the Croydon Local Plan fails at examination and a policy void is created as certain SPGs are already withdrawn has been mitigated by proposing that the SPGs listed in Table 2 are not withdrawn until after adoption of the Croydon Local Plan.

4 Options

The alternative option of retaining the SPGs proposed for withdrawal could risk applicants referring to out of date SPG documents when making a planning application, further appeals and delays to the development management process.

5 Future savings/efficiencies

Clarity will be provided for the planning application process to all engaged with the removal of out of date guidance and this will assist in creating a more efficient planning application service.

6 Approved by: Louise Lynch, Finance Business Partner

6. COMMENTS OF THE BOROUGH SOLICITOR AND MONITORING OFFICER

6.1 As set out earlier in this report, the Planning and Compulsory Purchase Act 2004 (as amended) and associated The Town and Country Planning (Local Planning) (England) Regulations 2012 are silent on Supplementary Planning Guidance and only refers to Supplementary Planning Documents. As a consequence of legislation being silent on the process for Supplementary Planning Guidance withdrawal a resolution made under the appropriate delegated authority from the Leader of the Council (under the 'Strong Leader' model of decision making and governance) is considered to be effective. Notwithstanding this, in the context of Supplementary Planning Documents, Regulation 15(2) makes provision for a Local Planning Authority to revoke a Supplementary Planning Document.

(Approved by: Sean Murphy, Principal Corporate Solicitor (Regeneration) on behalf of the Acting Council Solicitor & Monitoring Officer)

7. HUMAN RESOURCES IMPACT

7.1 There are no Human Resources arising from this report as existing Spatial Planning resource levels can meet the requirements of this report.

Approved by Adrian Prescod, HR Business Partner, for and on behalf of Director of HR, Resources department.

8. EQUALITIES IMPACT

8.1 The Croydon Local Plan: Strategic Policies, adopted 2013 had an Equality Impact Analysis. This states that the Strategic Policies are overall supportive of equality groups addressing spatial inequality in the borough and considering needs and priorities of the community by seeking to provide a choice of housing, more job opportunities, promoting cultural activities and creative industries, well designed, co-located community, health, educational and leisure facilities, taking a positive attitude to transport and access in the borough and seeking to conserve and create spaces and buildings that are safe and accessible and foster cohesive communities. The proposed withdrawal of the SPG documents will not adversely impact on these elements of the Local Plan or the equality groups in the borough.

9. ENVIRONMENTAL IMPACT

9.1 There will be a positive environment impact in removing out of date SPGs from publication and reducing the amount of wasted paper from printing copies of this guidance, and ensuring incorrect information is not considered in planning applications.

10. CRIME AND DISORDER REDUCTION IMPACT

10.1 This report has no direct impact on Crime and Disorder reduction.

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

11.1 To ensure the Croydon Local Plan: Strategic Policies – Partial Review and Croydon Local Plan: Detailed Policies and Proposals are supported by up to date and relevant planning guidance documents and to assist an efficient development management service.

12. OPTIONS CONSIDERED AND REJECTED

12.1 Updating all the SPGs and creating new Supplementary Planning Documents was considered. However the majority of the updates would duplicate guidance already published by other statutory bodies such as the Mayor of London and the proposed detailed policies coming forward in the Croydon Local Plan: Detailed Policies and Proposals. Allocation of resourcing to this work would thus not be justified. Spatial Planning resourcing is concentrated on the development of the Croydon Local Plan and delivery of the development management service.

CONTACT OFFICER: Steve Dennington - Interim Head of Spatial Planning – Ext 64973

BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972

Appendix A List of SPGs and SPDs to be retained

Appendix A –List of SPGs and SPDs retained as relevant to the Croydon Local Plan and Development Management Service.

They are available on the following web pages

<https://www.croydon.gov.uk/planningandregeneration/framework/localplan/spdandoapf>
and

<https://www.croydon.gov.uk/planningandregeneration/framework/localplan/supplementary>

And the Conservation pages

<https://www.croydon.gov.uk/planningandregeneration/framework/conservation/conservation-areas>

And the Locally Listed Buildings SPD is here

<https://www.croydon.gov.uk/planningandregeneration/framework/conservation/buildings>

And Old Town Masterplan is here

<https://www.croydon.gov.uk/planningandregeneration/framework/localplan/masterplans/masterplan-improvements/oldtown-mplan>

SPG	Title	Date of publication
1	Shopfront and signs	1996
1	Converting shopfronts into homes (addendum)	2004
1	Shopfront security (addendum)	2012
8	Advertisement Hoardings & Other Advertisements- retained until adoption of the Croydon Local Plan: Detailed Policies and Proposals	2003
12	Landscape Design	2003
17	Sustainable Surface Water Drainage-retained until adoption of the Croydon Local Plan: Detailed Policies and Proposals	2004
19	Public Art- retained until adoption of the Croydon Local Plan: Detailed Policies and Proposals	2005
SPD	Title	
1	Local List Part A, Part B	2006
2	Residential Extensions and Alterations	2006
3	Designing for Community Safety	2009
4	Webb Estate and Upper Woodcote Village CA Appraisal	2007
5	South Norwood CA Appraisal	2007
-	Croydon Opportunity Area Planning Framework	2013
-	Old Town Masterplan	2015
-	Conservation Area Appraisal Guidance	2013
SPD	Conservation Area Management Appraisals for the following:	
	Chatsworth Road	2013
	Croham Manor Road	2013
	Waldrons	2013
	Wellesley Road (North)	2013

	East India Estate	2014
	Norbury Estate	2014
	Norwood Grove	2014
	St Bernhards	2014
	Upper Norwood Triangle	2014
	Central Croydon	2014
	Church Street,Croydon	2014
	Croydon Minster	2014
	Beulah Hill	2015
	Church Road, Upper Norwood	2015
	Harold Road	2015